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EXAMINER	
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ART UNIT	PAPER NUMBER
2419	

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01/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/903,838	FANGMAN ET AL.	
	Examiner	Art Unit	
	Andrew C. Lee	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-23,25-38 and 40-107* is/are pending in the application.

4a) Of the above claim(s) *9,24 and 39* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-23,25-38 and 40-107* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 46 – 107 are newly added.

2. Claims 9, 24, 39 were canceled.

3. Claims 1 – 8, 10 – 23, 25 – 38, 40 – 107 are pending.

Terminal Disclaimer

4. The terminal disclaimer filed on 09/05/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent NO. US 7068647 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims **1, 31, 46**, **2, 17, 32, 47, 3, 15, 18, 30, 33, 45, 48, 59**, **4, 6, 19, 34, 21, 36, 49, 51, 5, 20, 35, 50, 7, 22, 37, 52,** 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6958992 B2) in view of Schuster et al. (US 6822957 B1).

Regarding claims 1, 31, 46, Lee et al. disclose a method, system for configuring an IP telephone *(Fig. 3, Fig. 6, col. 1, lines 39 – 42*), a memory medium, wherein the memory medium stores program instructions which are executable to perform *("database that stores, access code"; col. 2, lines 65 – 67,*

col. 3, lines 1- 7), and service gateway *(Fig. 1, element 100*) comprising: receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32);* determining if the identifier is valid *(Fig. 3, col. 3, lines 33 – 39);* determining if a MAC ID for the IP telephone is valid *(Fig. 3, col. 3, lines 33 – 39);* if the MAC ID is determined to be valid, determining if the identifier is valid *(Fig. 4, col. 4, lines 12 – 24, col. 6, lines 14 – 26).*

Lee et al. do not disclose assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications.

Schuster et al. in the same field of endeavor teach assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications *("the block of locally unique ports"; col. 13, lines 1 – 27, 40 – 42).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see col. 3, lines 19 – 21).*

Regarding claims 2, 17, 32, 47, Lee et al. disclose open port request with the MAC address, the set type, and the IP address to the set registration process. Lee et al. do not disclose explicitly the method, system claimed wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols.

Schuster et al. teach the method, system claimed wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols *("request a set of locally unique ports from router for external communications", "assigned thirty-two locally unique ports in the range of 1026 – 1057"; col. 11, lines 1 – 12; col. 16, lines 13 – 20).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of the method, system claimed wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see col. 3, lines 19 – 21).*

Regarding claims 3, 15, 18, 30, 33, 45, 48, 59, Lee et al. disclose the method, system, service gateway claimed further comprising: mediating IP communications between the IP telephone and an IP device *("registered IP phone on the IP phone switch" correlates to mediating IP communications between the IP telephone and an IP device, Fig. 4, col. 4, lines 8 – 16).*

Lee et al. do not disclose explicitly wherein the IP telephone uses at least a subset of the range of port numbers to send or receive said IP communications.

Schuster et al. in the same field of endeavor teach wherein the IP telephone uses at least a subset of the range of port numbers to send or receive said IP communications ("*request a set of locally unique ports from router for external communications", "assigned thirty-two locally unique ports in the range of 1026 – 1057" correlates to operable to use at least a subset of the range of port numbers to send or receive IP communications; col. 11, lines 1 – 12; col. 16, lines 13 – 20*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of wherein the IP telephone uses at least a subset of the range of port numbers to send or receive said IP communications as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

Regarding claims 4, 6, 19, 34, 21, 36, 49, 51, Lee et al. disclose the method, system, and service gateway claimed wherein said mediating the IP communications *(Fig. 4, col. 4, lines 8 – 16)* comprises: receiving a data packet from the IP telephone *("send a request for registration"; Fig. 3, col. 3, lines 16 – 19)* and sending the data packet to the IP device *("send a request for registration to the IP phone switch"; Fig. 3, col. 3, lines 16 – 19).*

Lee et al. do not disclose explicitly performing a network address persistent port translation (NAPPT) on the data packet.

Schuster et al. in the same field of endeavor teach performing a network address persistent port translation (NAPPT) on the data packet *("Network Address Translation"; Fig. 9, col. 15, lines 32 – 47).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of performing a network address persistent port translation (NAPPT) on the data packet as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

Regarding claims 5, 20, 35, 50, Lee et al. disclose the method, system, and service gateway claimed wherein said mediating the IP communications *(Fig. 4, col. 4, lines 8 – 16).*

Lee et al. do not disclose explicitly the method, system claimed wherein the data packet comprises a private source IP address, a source port, and destination information associated with the IP device, wherein the private source IP address comprises a private IP address of the IP telephone, and wherein the source port number comprises a port number in the assigned range of port numbers; and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone.

Schuster et al. teach the method, system claimed wherein the data packet comprises a private source IP address *("local IP address"; col. 3, lines 2 – 3),* a source port number *("locally unique port"; col. 3, lines 20 – 22)*, and destination information associated with the IP device *("a common external network address"; col. 3, lines 24 – 32),* wherein the private source IP address comprises a private IP address of the IP telephone, and wherein the source port number comprises a port number in the assigned range of port numbers *(col. 3, lines 20 – 32; col. 8, lines 45 – 50; col. 10, lines 23 – 32; "request a set of locally unique ports from router for external communications", "assigned thirty-two locally unique ports in the range of 1026 – 1057"; col. 11, lines 1 – 12; col. 16, lines 13 – 20);* and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of claimed wherein the data packet comprises a private source IP address, a source port, and destination information associated with the IP device, wherein the private source IP address comprises a private IP address of the IP telephone, and wherein the source port number comprises a port number in the assigned range of port numbers; and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the

private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

Regarding claims 7, 22, 37, 52, Lee et al. disclose the method, system, and service gateway claimed wherein said mediating the IP communications *(Fig. 4, Fig. 4, col. 4, lines 8 – 16).*

Lee et al. do not disclose explicitly the method, system claimed wherein the data packet comprises a public destination IP address, a destination port number; and source information associated with the IP device, wherein the destination port number comprises a port number in the assigned range of port numbers, and wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone; and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises using the public destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to a private destination IP address while leaving the destination port number unchanged, wherein the private IP address comprises an IP address of the IP telephone.

Schuster et al. teach the method, system claimed wherein the data packet comprises a public destination IP address, a destination port number; and source

information associated with the IP device, wherein the destination port number comprises a port number in the assigned range of port numbers, and wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone *(col. 3, lines 20 – 32; col. 8, lines 45 – 50; col. 10, lines 23 – 32; col. 16, lines 13 – 20);* and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises using the public destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to a private destination IP address while leaving the destination port number unchanged, wherein the private IP address comprises an IP address of the IP telephone *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of the method, system claimed wherein the data packet comprises a public destination IP address, a destination port number; and source information associated with the IP device, wherein the destination port number comprises a port number in the assigned range of port numbers, and wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone; and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises using the public destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to a private destination IP address while leaving the destination port number unchanged, wherein the

private IP address comprises an IP address of the IP telephone as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

Regarding claim 16, Lee et al. disclose a system for performing IP telephony *(Fig. 1, Fig. 8A col. 2, lines 19 – 25),* comprising: a network *("over a LAN" correlates to a network; Fig. 1, col. 2, line 19 – 25)*; an IP telephone *("element 102, IP phone" correlates to IP telephone; Fig. 1, element 102, col. 2, lines 26 – 31*); a Service Gateway, wherein the Service Gateway is operable to couple to the IP telephone through the network *("element 100, IP phone switch" correlates to a Service Gateway, col. 2, lines 22 – 25, 38 – 44*); wherein the IP telephone is operable to send an identifier to the Service Gateway *(col. 2, lines 31 – 34);* wherein the Service Gateway is operable to: receive an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32);* determine if the identifier is valid *(Fig. 3, col. 3, lines 33 – 39);* receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32)*; determining if a MAC ID for the IP telephone is valid *(Fig. 3, col. 3, lines 33 – 39)*; if the MAC ID is determined to be valid, determining if the identifier is valid *(Fig. 4, col. 4, lines 12 – 24).*

Lee et al. do not disclose explicitly assign a range of port numbers to the IP telephone based on the identifier; wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications.

Schuster et al. in the same field of endeavor teach assign a range of port numbers to the IP telephone based on the identifier; wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications *(col. 8, lines 52 – 55; col. 11, lines 1 – 12, col. 16, lines 13 – 20).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. to include the features of if assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see col. 3, lines 19 – 21).*

7. Claims 8, 23, 38, 53, 10, 25, 40, 54, 11, 12, 26, 27, 41, 42, 56, 13, 28, 43, 57, 14, 29, 44, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6958992 B2) and Schuster et al. (US 6822957 B1) as applied to claims **1, 31, 46**, **2, 17, 32, 47, 3, 15, 18, 30, 33, 45, 48, 59**, **4, 6, 19, 34, 21, 36, 49, 51, 5, 20, 35, 50, 7, 22, 37, 52,** 16 above, and further in view of Fijolek et al. (US 6577642 B1).

Regarding claims 8, 23, 38, 53, Lee et al. disclose a method, system, and service gateway for configuring an IP telephone *(Fig. 3, Fig. 6, col. 1, lines 39 – 42),* comprising: receiving an identifier from the IP telephone *(Fig. 3, element 320*

Service Provider ID, col. 3, lines 23 – 32). However, Lee et al. and Schuster et al. do not disclose expressly the method, system claimed wherein the identifier comprises a vendor class identifier.

Fijolek et al. in the same field of endeavor teach the method, system claimed wherein the identifier comprises a vendor class identifier *(col. 10, lines 60 – 67; col. 11, lines 5 – 9; col. 11 – 12, Table 1).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. and Schuster et al. to include the features of the method, system claimed wherein the identifier comprises a vendor class identifier as taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system, an exemplary data-over-cable system with telephony return includes customer premise equipment (e.g. a customer computer), a cable modem, a cable modem termination system, a cable television network, a public switched telephone network, a telephony remote access concentrator and a data network (e.g. the Internet). The cable modem termination system and the telephony remote access concentrator together are called a "telephony return termination system *(as suggested by Fijolek et al., see col. 5, lines 4 – 5; col. 1, lines 65 – 67; col. 2, lines 1 – 7).*

Regarding claims 10, 25, 40, 54, Lee et al. disclose the limitation of a method, system, and service gateway for configuring an IP telephone *(Fig. 3, Fig. 6, col. 1, lines 39 – 42)*, comprising: receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32).*

Lee et al. and Schuster et al. does not disclose explicitly the method, system claimed wherein said identifier is comprised in a DHCP discover message, the method further comprising: issuing a DHCP offer to the IP telephone if the identifier is determined to be valid, wherein the DHCP offer comprises DHCP lease information based on the validated identifier; the IP telephone issuing a DHCP request in response to the issued DHCP offer; storing the DHCP lease information in response to the issued DHCP request; the IP telephone storing the DHCP lease information; and the IP telephone enabling DHCP settings comprised in the DHCP lease information.

Fijolek et al. in the same field of endeavor teach the method, system claimed wherein said identifier is comprised in a DHCP discover message, the method further comprising: issuing a DHCP offer to the IP telephone if the identifier is determined to be valid, wherein the DHCP offer comprises DHCP lease information based on the validated identifier *(Fig. 13, elements 270, 278, 280, 282, 286; col. 25, lines 40 – 63)*; the IP telephone issuing a DHCP request in response to the issued DHCP offer; storing the DHCP lease information in response to the issued DHCP request; the IP telephone storing the DHCP lease information; and the IP telephone enabling DHCP settings comprised in the DHCP lease information *(Fig. 13, elements 300, 302, 308, 312, 318, 322, 320, 324; col. 25, lines 40 – 63; col. 26, lines 44 – 64).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lee et al. and Schuster et al. to include the features of the method, system claimed wherein said identifier

is comprised in a DHCP discover message, the method further comprising: issuing a DHCP offer to the IP telephone if the identifier is determined to be valid, wherein the DHCP offer comprises DHCP lease information based on the validated identifier; the IP telephone issuing a DHCP request in response to the issued DHCP offer; storing the DHCP lease information in response to the issued DHCP request; the IP telephone storing the DHCP lease information; and the IP telephone enabling DHCP settings comprised in the DHCP lease information as taught Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system, an exemplary data-over-cable system with telephony return includes customer premise equipment (e.g. a customer computer), a cable modem, a cable modem termination system, a cable television network, a public switched telephone network, a telephony remote access concentrator and a data network (e.g. the Internet). The cable modem termination system and the telephony remote access concentrator together are called a "telephony return termination system *(as suggested by Fijolek et al., see column 5, lines 4 – 5; col. 1, lines 65 – 67; col. 2, lines 1 – 7).*

Regarding claims 11, 12, 26, 27, 41, 42, 55, **56**, Lee et al. disclose a method, system, and service gateway for configuring an IP telephone *(Fig. 3, Fig. 6, co. 1, lines 39 – 42),* comprising: receiving an identifier from the IP telephone *(Fig. 3, element 320 Service Provider ID, col. 3, lines 23 – 32)* and Schuster et al. disclose the method, system claimed, wherein the range of port numbers and information indicating operational software for the IP telephone *(col. 5, lines 55 – 67; col. 13, lines 14 – 21; col. 16, lines 13 – 20)*, the method further comprising: the

IP telephone executing the indicated operational software to enable said IP communications *(col. 13, lines 14 – 21; col. 16, lines 13 – 20; col. 6, lines 3 – 23).*

However, Lee et al. and Schuster et al. do not disclose expressly the method, system of claimed wherein said DHCP lease information.

Fijolek et al. in the same field of endeavor teach the method, system of claimed wherein said DHCP lease information *(col. 24, lines 40 – 67).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include of the method, system of claimed wherein said DHCP lease information such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system, an exemplary data-over-cable system with telephony return includes customer premise equipment (e.g. a customer computer), a cable modem, a cable modem termination system, a cable television network, a public switched telephone network, a telephony remote access concentrator and a data network (e.g. the Internet). The cable modem termination system and the telephony remote access concentrator together are called a "telephony return termination system *(as suggested by Fijolek et al., see col. 5, lines 4 – 5; col. 1, lines 65 – 67; col. 2, lines 1 – 7).*

Regarding claims 13, 28, 43, 57, Lee et al. disclose the method, system, and service gateway claimed wherein said issuing the request for the operational software comprises issuing a read request to a file transfer server, wherein said file transfer server performs said providing the operational software to the IP telephone (*Fig. 3, col. 3, lines 21 – 32).*

Regarding claims 14, 29, 44, 58, Lee et al. disclose the method, system, and service gateway claimed wherein the file transfer server comprises a TFTP *(Trivial File Transfer Protocol) server (Fig. 3, Fig. 4, Fig. 5, Fig. 6, element 304 TFTP server, col. 2, lines 42 – 44).*

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 60, 68, 76, 100, 81, 105, 84, 92 are rejected under 35 U.S.C. 102(e) as being anticipated by Edholm (US 6772210 B1).

Regarding claims 60, 68, Edholm discloses a system, and method for hosted voice over internet protocol communications *("VoIP communication system"; Fig. 1, col. 4, lines 8 – 17),* the system comprising: an internet protocol device (IPD) configured to convey a first data packet with a first private IP address *("private VoIP device"; Fig. 1, col. 4, lines 22 – 26);* and a service gateway (SG) *("gateway"; Fig. 1, col. 4, lines 11 – 14);* wherein the SG is configured to: receive the first data packet with the first private IP address *(Fig. 4, element 404, col. 6, lines 57 – 60);* and perform network address translation (NAT) on the first data packet with a second private IP address, the second private IP address being

assigned by a service provider *(col. 4, lines 56 – 66, col. 6, line 67, col. 7, lines 1 – 12).*

Regarding claims 76, 100, Edholm discloses one or more computer readable storage media, said media comprising program instructions for hosting voice over internet protocol communications *("memory device"; Fig. 7, col. 10, lines 9 – 61),* wherein the program instructions *("source code and computer program"; col. 10, lines 9 – 61)*)are executable to: receive a first data packet with a private IP address at a service gateway (SG), the first data packet being conveyed with the private IP address from an internet protocol device (IPD) (Fig. 1, Fig. 4, element 404, 410; col. 6, lines 55 - 67); and perform network address translation (NAT) on the first data packet with a first public IP address *(Fig. 1, Fig. 4, elements 418, 420; col. 7, lines 1 – 12).*

Regarding claims 81, 105, Edholm discloses a service gateway for use in a voice over internet protocol communications system *(Fig. 7, element 106 gateway, col. 8, lines 38 – 39),* the service gateway comprising: a first interface configured to receive a first data packet with a private IP address from an internet protocol device (IPD) *(Fig. 7, element 710, private network Interface; col. 8, lines 38 – 58)*; and a second interface configured to communicate via a tunnel; wherein the service gateway is configured to: perform network address translation (NAT) on the first data packet with a first public IP address *(Fig. 7, elements 702, 706, translator, public network Interface; col. 8, lines 38 – 58).*

Regarding claims 84, 92, Edholm discloses a system, and method for hosted voice over internet protocol communications *("VoIP communication system"; Fig. 1, col. 4, lines 8 – 17),* the system comprising: an internet protocol device (IPD) configured to convey a first data packet with a private IP address *("private VoIP device"; Fig. 1, col. 4, lines 22 – 26);* and a service gateway (SG) *("gateway"; Fig. 1, col. 4, lines 11 – 14);* wherein the SG is configured to: receive the first data packet with the private IP address *(Fig. 4, element 404, col. 6, lines 57 – 60);* and perform network address translation (NAT) on the first data packet with a first public IP address. *(col. 4, lines 56 – 66, col. 6, line 67, col. 7, lines 1 – 12).*

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 61 – 66, 69 – 74, 77 – 80, 82, 85 – 90, 93 – 98, 101 – 104, 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edholm (US 6772210) in view of Larson (US 20020093915 A1).

Regarding claims 61, 69, Edholm discloses the system, and method claimed wherein the SG is further configured to: encapsulate the translated first data packet to form a first encapsulated data packet, the first encapsulated data packet having a first public IP address as a destination address and a second public Ip address as a source address; and convey the first encapsulated data *(Fig. 4, col. 4, lines 56 – 66, col. 6, line 67, col. 7, lines 1 – 12).*

Edholm does not disclose explicitly convey the first encapsulated data via a tunnel.

Larson in the same field of endeavor teach convey the first encapsulated data packet from the SG via a tunnel ("VPN tunnel is established.."; paras. [0054], [0055]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of convey the first encapsulated data packet from the SG via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 62, 70, Edholm discloses the system, and method claimed further comprising a gatekeeper coupled to the SG via a network, wherein the gatekeeper is configured to: receive the first encapsulated data packet; un-encapsulate the first encapsulated data packet to recover the first data packet including the second private IP address; and convey the first data packet to a destination (col. 4, lines 47 – 67).

Edholm does not discloses virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel.

Larson in the same field of endeavor teach virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 63, 71, Edholm discloses the system, and method claimed wherein a second data packet destined for the IPD is conveyed to the second private IP address (Fig. 3, element 304), and wherein the system configured to: receive the second data packet routed using the second private IP address *(Fig. 3, element 304, col. 6, lines 34 – 36);* encapsulate the received second data packet to form a second encapsulated data packet with a destination IP address comprising the second public IP address *(Fig. 3, element 312, col. 6, lines 31 - 53);* and convey the second encapsulated data packet using the second public IP address as a destination IP address *(Fig. 3, element 316, col. 6, lines 31 – 53).*

Edholm does not disclose explicitly wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel.

Larson in the same field of endeavor teach wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 64, 72, Edholm discloses the system, and method claimed wherein the SG is configured to: receive the second encapsulated data packet *(Fig. 5, element 504);* un-encapsulate the second encapsulated data packet to recover the second data packet, the second data packet having the second public IP address as a destination IP address *(Fig. 5, element 506, col. 8, lines 10 – 23);* perform network address translation on the second data packet *(col. 8, lines 15 – 18)*; and convey the second data packet to the IPD using the first private IP address as a destination address *(col. 8, lines 15 – 23).*

Regarding claims 65, 73, Edholm discloses the system, and method claimed wherein the second private IP address of the service gateway is assigned by a service provider *("gatekeeper"; col. 4, lines 47 – 66).*

Regarding claims 66, 74, Edholm discloses the system, and method claimed wherein the SG is configured to only encapsulate packets conveyed by the IPD that are signaling packets *(Fig. 2A, "sending a request …."; col. 5, lines 27 – 40).*

Regarding claims 77, 101, Edholm discloses the storage media claimed wherein the program instructions are further executable to: encapsulate the translated first data packet to form a first encapsulated data packet, the first encapsulated data packet having a destination address comprising a second public IP address different from the first public IP address *(Fig. 6, col. 8, lines 15 – 18, 24 – 37);* and convey the first encapsulated data packet from the SG using the second public IP address as a source IP address *(Fig. 6, element 610, col. 8, lines 24 – 37).*

Edholm does not disclose explicitly convey the first encapsulated data packet from the SG via a tunnel.

Larson in the same field of endeavor teach convey the first encapsulated data packet from the SG via a tunnel *("VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of convey the first encapsulated data packet from the SG via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 78, 102, Edholm discloses the storage media claimed wherein the program instructions are further executable to: receive the first encapsulated data packet *(Fig. 5, element 504);* un-encapsulate the first encapsulated data packet to recover the first data packet *(Fig. 5, element 506; col. 8, lines 10 - 23),* and convey the first data packet to a destination using the first public IP address *(Fig. 5, element 508, col. 8, lines 10 – 23).*

Edholm does not disclose explicitly receive the first encapsulated data packet via the tunnel at a virtual private network concentrator (VPNC).

Larson in the same field of endeavor teach receive the first encapsulated data packet via the tunnel at a virtual private network concentrator (VPNC); *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of receive the first encapsulated data packet via the tunnel at a virtual private network concentrator (VPNC) as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 79, 103, Edholm discloses the storage media claimed wherein a second data packet destined for the IPD is conveyed to the first public IP address *(Fig. 3, element 304),* and wherein the program instructions are further executable to: route the second data packet using the first public IP address *(Fig. 3, element 304)*; receive the second data packet *(Fig. 3, element 304, col. 6, lines 34 – 36);* encapsulate the received second data packet to form a second encapsulated data packet with a destination IP address comprising the second public IP address *(Fig. 3, element 312, col. 6, lines 31 – 53)*; and convey the second encapsulated data packet using the second public IP address as a destination IP address *(Fig. 3, element 316, col. 6, lines 31 – 53).*

Edholm does not disclose explicitly route the data packet to the VPNC; receive the data packet at the VPNC; convey the second encapsulated data packet via a tunnel.

Edholm does not disclose explicitly route the data packet to the VPNC; receive the data packet at the VPNC; convey the second encapsulated data packet via a tunnel.

Larson in the same field of endeavor teach route the data packet to the VPNC; receive the data packet at the VPNC; convey the second encapsulated data packet via a tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of route the data packet to the VPNC; receive the data packet at the VPNC; convey the second encapsulated data packet via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 80, 104, Edholm discloses the storage media claimed wherein the program instructions are further executable to: receive the second encapsulated data packet at the SG *(Fig. 5, element 504);* un-encapsulate the second encapsulated data packet to recover the second data packet, the second data packet having the first public IP address as a destination IP address *(Fig. 5,*

element 506; col. 8, lines 10 - 23); perform network address translation on the second data packet with the first public IP address *(col. 8, lines 15 - 18);* and convey the second data packet to the IPD using the private IP address as a destination address *(col. 8, lines 15 – 23).*

Regarding claims 82, 106, Edholm discloses the service gateway claimed wherein the service gateway is further configured to: encapsulate the translated first data packet to form a first encapsulated data packet, the first encapsulated data packet having a destination address comprising a second public IP address different from the first public IP address (Fig. 1, Fig. 4, element 404, 410; col. 6, lines 55 – 67, *(Fig. 6, col. 8, lines 15 – 18, 24 – 37*) ; and convey the first encapsulated data packet via a tunnel using the second public IP address as a source IP address *(Fig. 6, element 610, col. 8, lines 24 – 37)*.

Edholm does not disclose explicitly convey the first encapsulated data packet via a tunnel.

Larson in the same field of endeavor teach convey the first encapsulated data packet via a tunnel *("VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of convey the first encapsulated data packet via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 85, 93, Edholm discloses the system, and method claimed wherein the SG is further configured to: encapsulate the translated first data packet to form a first encapsulated data packet *(Fig. 4)*, the first encapsulated data packet having a destination address comprising a second public IP address different from the first public IP address, and convey the first encapsulated data packet using the second public IP address as a source IP address *(Fig. 4, col. 4, lines 56 – 66, col. 6, line 67, col. 7, lines 1 – 12).*

Edholm does not disclose explicitly convey the first encapsulated data via a tunnel.

Larson in the same field of endeavor teach convey the first encapsulated data packet from the SG via a tunnel *("VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of convey the first encapsulated data packet from the SG via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 86, 94, Edholm discloses the system, and method claimed further comprising a gatekeeper coupled to the SG via a network, wherein the gatekeeper is configured to: receive the first encapsulated data packet; un-

encapsulate the first encapsulated data packet to recover the first data packet including the second private IP address; and convey the first data packet to a destination *(col. 4, lines 47 – 67).*

Edholm does not discloses virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel.

Larson in the same field of endeavor teach virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of virtual private network concentrator (VPNC) coupled to the SG via a network, wherein the VPNC is configured to receive the first encapsulated data packet via the tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 87, 95, Edholm discloses the system, and method claimed wherein a second data packet destined for the IPD is conveyed to the second private IP address (Fig. 3, element 304), and wherein the system configured to: receive the second data packet routed using the second private IP

address *(Fig. 3, element 304, col. 6, lines 34 – 36);* encapsulate the received second data packet to form a second encapsulated data packet with a destination IP address comprising the second public IP address *(Fig. 3, element 312, col. 6, lines 31 - 53);* and convey the second encapsulated data packet using the second public IP address as a destination IP address *(Fig. 3, element 316, col. 6, lines 31 – 53).*

Edholm does not disclose explicitly wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel.

Larson in the same field of endeavor teach wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel *("VPN concentrator", "VPN tunnel is established.."; paras. [0054], [0055]).*

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Edholm to include the features of wherein the VPNC configured to and convey the second encapsulated data packet via a tunnel as taught by Larson. One of ordinary skill in the art would be motivated to do so for providing a method for creating a VPN over a telecommunications network by sending a certificate request for a virtual private network device to a certification authority connected to the telecommunications network *(as suggested by Larson., see para. [0045]).*

Regarding claims 88, 96, Edholm discloses the system, and method claimed wherein the SG is configured to: receive the second encapsulated data packet *(Fig. 5, element 504)*; un-encapsulate the second encapsulated data packet to recover the second data packet, the second data packet having the first public

IP address as a destination IP address *(Fig. 5, element 506, col. 8, lines 10 -23);* perform network address translation on the second data packet with the first public IP address *(col. 8, lines 15 – 18);* and convey the second data packet to the IPD using the private IP address as a destination address *(col. 8, lines 15 – 23*).

Regarding claims 89, 97, Edholm discloses the system, and method claimed wherein the first public IP address is assigned by a voice over internet protocol provider, and the second public IP address is assigned by a customer's internet service provider *("gatekeeper"; col. 4, lines 47 – 66).*

Regarding claims 90, 98, Edholm discloses the system, and method claimed wherein the SG is configured to only encapsulate packets conveyed by the IPD that are signaling packets *(Fig. 2A, "sending a request …."; col. 5, lines 27 – 40).*

12. Claims 67, 75, 83, 107, 91, 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edholm (US 6772210), and Larson (US 20020093915 A1) as applied to claims 60, 61, 68, 69, 81, 82, 105, 106, 84, 85, 92, 93 above, and further in view of Schuster et al. (6822957 B1).

Regarding claims 67, 75, Edholm discloses the system, and method claimed wherein the first data packet comprises the first private IP address as a source IP address and a source port number (*Fig. 6, element 606*); and wherein in performing said network address translation, the SG is configured to change the first private IP address to the second private IP address *(Fig. 6, element 606, col. 8, lines 24 – 37)*

Edholm and Larson do not disclose explicitly while leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD.

Schuster et al. in the same field of endeavor teach leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Edholm and Larson to include the features of leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

Regarding claims 83, 107, Edholm discloses the service gateway claimed wherein the first data packet comprises the private IP address as a source IP address and a source port number *(Fig. 6, element 606);* and wherein in performing said network address translation, the service gateway is configured to change the private IP address to the first public IP address *(Fig. 6, element 606, col. 8, lines 24 – 37).*

Edholm and Larson do not disclose explicitly while leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD.

Schuster et al. in the same field of endeavor teach leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Edholm and Larson to include the features of leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

Regarding claims 91, 99, Edholm discloses the system, and method claimed wherein the first data packet comprises the private IP address as a source IP address and a source port number *(Fig. 6, element 606);* and wherein in performing said network address translation, the SG is configured to change the private IP address to the first public IP address *(Fig. 6, element 606, col. 8, lines 24 – 37).*

Edholm and Larson do not disclose explicitly while leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD.

Schuster et al. in the same field of endeavor teach leaving the source port number unchanged, wherein the first public IP address and the source port number

may be used to uniquely identify the IPD *(Fig. 9, col. 15, lines 32 – 47; col. 16, lines 13 – 20).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Edholm and Larson to include the features of leaving the source port number unchanged, wherein the first public IP address and the source port number may be used to uniquely identify the IPD as taught by Schuster et al. in order to provide a method for distributed network address translation in a network telephony system *(as suggested by Schuster et al., see column 3, lines 19 – 21).*

Response to Arguments

13. Applicant's arguments filed on 9/05/2008 with respect to claims 1 – 8, 10 – 23, 25 – 38, 40 – 107 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 1, applicant argues reference Schuster does not disclose an identifier is determined to be valid and in response to determining the identifier is valid, the protocol assigns "a range of port numbers to the IP telephone based on the identifier." Examiner respectfully disagrees.

Examiner contends the combined system of reference Lee and Schuster teaches an identifier is determined to be valid and in response to determining the identifier is valid, the protocol assigns "a range of port numbers to the IP telephone based on the identifier. The combined system of Reference Lee and Schuster teaches the validation of identification, and implicitly assigns a range of numbers. Examiner interpreted there is a match for the MAC address as determined to be

valid, and a user may have a number of different directory numbers associated to an IP phone *(see Lee: Fig. 4, Fig. 5, Fig. 6, col. 4, lines 12 – 24, col. 6, lines 14 – 26), and the block of locally unique ports as* the protocol assigns "a range of port numbers to the IP telephone*; see* Schuster *col. 13, lines 1 – 27, 40 – 42.*

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Xu et al. (US 6738362).
b) Kung et al. (US 6775273).
c) Mahler et al. (US 6381638).

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2419
<12/24/2008:2Qy09>

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2419